IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17419 of 2004

Dated: August 1, 2007

Between:

Sri P. Nitish Kumar, S/o. Chain Ram,
Age: 29 years, Occ: Dealer of Retail
Kerosene, N.R.No.8110, D.No.1-1-75,
Cumsary Bazar, New Bowenpally,
Secunderabad.

… Petitioner

And

The Chief Rationing Officer (City)
Opp: Anand Theatre, S.P. Road,
Secunderabad, and another.

… Respondents

Order:

This writ petition has been filed questioning the order dated 10-09-2004 passed by the second respondent, the Assistant Supply Officer, Circle 8, Secunderabad whereby the license bearing N.R.No.8110, issued in the name of the petitioner, with regard to the retail sale of kerosene, was cancelled.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

3. The father of the petitioner by name Chain Ram was appointed as retail dealer in kerosene in the year 1980-81 and he died on 20-12-2000. Petitioner, being the son of said Chain Ram – the original licensee, has applied for grant of license. The claim of the petitioner was supported by the death certificate issued by the competent authority, and accordingly the Assistant Supply Officer, Circle 8, the second respondent herein has granted license. However, by the impugned order, the license granted to the petitioner was cancelled referring to the directive issued by the Chief Rationing Officer by his letter dated 01-09-2004.

4. The case of the petitioner is that the impugned order has been passed without any opportunity to him and the same is in violation of principles of natural justice. Learned counsel for the petitioner submits that the petitioner has been operating based on the license issued to him and if for any reason the said license had to be cancelled, respondents ought to have issued notice to the petitioner.

5. Respondents have filed counter affidavit stating that there is no policy for transferring license in favour of the legal heirs in the event of the death of the original licensee. Learned Government Pleader submits that in the absence of any provision for transferring the license, the competent authority has granted license in favour of the petitioner without following due procedure; hence the license of the petitioner has been cancelled.

6. It is not in dispute that the father of the petitioner, who is the original licensee, died on 20-12-2000. Thereafter, petitioner has applied for grant of license enclosing the death certificate of his father. If for any reason the said license is to be cancelled, it can be done only in the event of giving

notice and opportunity to the petitioner. A reading of the impugned order does not indicate any reason for canceling the license, except stating that the same is cancelled in view of the directive issued by the Chief Rationing Officer.

7. As much as the impugned order has been passed without giving notice and opportunity to the petitioner, I set aside the order dated 10-09-2004 passed by the second respondent. However, if the license granted to the petitioner is not in accordance with the control order, which is applicable for grant of licenses, it is open for the respondents to issue notice to the petitioner inviting his objections and pass appropriate orders thereon in accordance with law.

8. The writ petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

August 1, 2007
MRR